

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALAN HAHN,

Plaintiff,

CIVIL ACTION NO. 04-73318

vs.

DISTRICT JUDGE MARIANNE O. BATTANI
MAGISTRATE JUDGE DONALD A. SCHEER

H. FOOTE HOSPITAL,
et al.,

Defendants.

_____ /

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

RECOMMENDATION: This 42 U.S.C. § 1983 civil rights action should be DISMISSED for want of prosecution.

* * *

Plaintiff filed this action on August 5, 2004, in the United States District Court for the Western District of Michigan¹. The Court granted Plaintiff permission to proceed in forma pauperis, and the case was transferred to this court.(See Memorandum Opinion dated August 17, 2004 at Docket #1). Plaintiff sued 33 defendants, claiming that they failed to provide him with proper medical care in violation of his Eighth Amendment rights. He subsequently filed numerous proposed amendments to his claims. Though Plaintiff was granted permission to proceed in forma pauperis in 2004, none of the 33 defendants named in the Complaint has been served to date.

Given the length to time that had elapsed since the commencement of this case, and the number of proposed amendments to Plaintiff's claims, I determined that a single

¹Plaintiff was paroled from prison on December 11, 2007. He is currently living with his parents at 8346 Hartel Road, Grand Ledge Michigan 48837.

comprehensive Complaint would serve to clarify the issues in this dispute. Plaintiff was ordered on June 3, 2008, to file an Amended Complaint within 30 days. Plaintiff was also ordered to provide the Court with the address of each defendant named in the Amended Complaint, so that service by the United States Marshal could be effected.

Plaintiff did not file an Amended Complaint, nor did he provide the Court with the address of any defendant. On July 18, 2008, he was ordered to Show Cause in writing by August 15, 2008, why this case should not be dismissed for want of prosecution (Docket #69). Plaintiff has not filed a response to the show cause order.

Plaintiff bears the burdens of asserting a comprehensible claim for relief, 8(a), and providing the court with information necessary to effect service of the Complaint and summons on each defendant. See Byrd v. Stone, 94 F.3d 217, 219 (6th Cir. 1996). Plaintiff has not satisfied those burdens. The defendants remain unserved more than 120 days after this case was reopened on April 1, 2008. Pursuant to Fed.R.Civ.P. Rule 4(m), this action should be dismissed for want of prosecution.

Any objections to this Report and Recommendation must be filed with the Court within ten (10) days after it is served, or further appeal from Judge Battani's acceptance thereof is waived.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: August 25, 2008

CERTIFICATE OF SERVICE

I hereby certify on August 25, 2008 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on August 25, 2008. **Alan Hahn.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217